

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 29, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JASON B. PAINE,

Petitioner,

v.

WARDEN YOUNG,

Respondent.

NO: 4:20-CV-5030-RMP

ORDER DENYING FIRST
AMENDED PETITION

By Order filed June 9, 2020, the Court granted Petitioner Jason B. Paine a second opportunity to amend his petition to demonstrate that he had fully exhausted his state court remedies. ECF No. 14. The Court extended the deadline for Petitioner to comply with that Order several times. ECF Nos. 16, 18, and 20.

On December 29, 2020, the Court denied Petitioner's last request for an extension of time and directed Petitioner to comply with the Second Order to Amend Petition. ECF No. 22. The Court cautioned Petitioner that if he did not amend by January 8, 2021, the petition would be denied. *Id.* at 6.

Petitioner, a federal prisoner at the Federal Correctional Institution in

1 Mendota, California, is proceeding *pro se* and has paid the \$5.00 filing fee.
2 Respondent has not been served. Petitioner did not comply with the Court's
3 directive and has filed nothing further in this action.

4 For the reasons set forth in the Second Order to Amend Petition, ECF No.
5 14, and the Order Denying Fourth Construed Motion for Extension of Time to
6 Amend, ECF No. 22, **IT IS ORDERED** that the First Amended Petition, **ECF No.**
7 **10**, is **DENIED without prejudice** for failure to exhaust state court remedies.

8 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
9 Order, enter judgment, provide copies to Petitioner, and **close the file**. The Court
10 certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could
11 not be taken in good faith, and there is no basis upon which to issue a certificate of
12 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
13 appealability is therefore **DENIED**.

14 **DATED** January 29, 2021.

15
16 s/ Rosanna Malouf Peterson
17 ROSANNA MALOUF PETERSON
18 United States District Judge
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